

Record/FILE ON DEMAND

U.S.P.S. PRIORITY EXPRESS TRACKING No. EI 259 217 714 US

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Nelson L. Bruce,

Plaintiff(s),

vs.

REV FEDERAL CREDIT UNION, TRANS
UNION, LLC, et al.

Defendant(s).

CASE NO.: 2:22-cv-01292-BHH-MGB

PLAINTIFF'S MOTION TO COMPEL
DISCOVERY FROM LEXISNEXIS
A NON-PARTY WHO WAS SERVED
A SUBPOENA, MOTION FOR
SANCTIONS AGAINST LEXISNEXIS

Pursuant to **Fed. R. Civ. P. 37**, Plaintiff **Nelson L. Bruce**, hereby moves this court for an order compelling Non-Party LexisNexis Risk Solutions, Inc. to answer Subpoenas and or provide a statement signed under penalty of perjury by a person with firsthand personal knowledge related to the subpoena.

BACKGROUND

On or about 11-3-2023, Plaintiff filed a motion requesting for subpoenas to be issued to non-party, LexisNexis (See...ECF No. 86). On 11-6-2023, this court granted plaintiff's Motion for Issuance of Subpoena and directed the Clerk of Court to issue the subpoenas and mailed out the subpoenas to plaintiff (See...ECF No.'s 87 & 88). On 11-13-2023, non-party LexisNexis was served with plaintiff's subpoena by mail which was signed for (see...Exhibit A-1). On 11-22-2023, LexisNexis responded to plaintiff's subpoena with objections (see...Exhibit A-2). On 12-4-2023, plaintiff responded to LexisNexis Objections with a reply (see...Exhibit A-3). On 12-5-2023, LexisNexis emailed plaintiff requesting him to sign a consent agreement to release the documents they located responsive to the subpoena which they produced by email allegedly related

to plaintiff's request number 9 which did not include any statements signed under penalty of perjury. LexisNexis Risk Solutions Inc. by their legal team (Will Farley and Meredith P. Haggerty) in an email to plaintiff claimed that they "are not in possession of any documents related to your alleged dispute(s) with TransUnion and does not have a record of TransUnion forwarding your alleged dispute to it." On 12-5-2023 and 12-6-2023, plaintiff emailed LexisNexis notifying them that they have not produced any documents related to request numbers 4, 5, 6, and 9 of plaintiff's subpoena as LexisNexis only alleged at this time that they could not locate any documents related to disputes received from Trans Union and forwarded to them. Plaintiff further asked LexisNexis whether or not they intend to comply with plaintiff's subpoena and plaintiff provided more specific documents and information he was requesting to try to help simplify their search to comply with the subpoena by asking for, "any and all documents you have in your possession related to Trans Union from June 13, 2017 to present. Specifically, I am looking for any and all agreements you have with Trans Union to use your services, any and all lists of services for which you charge a fee/payment for which you provide to Trans Union, any and all search and match requests by Trans Union including the day, month and year requested related to the plaintiff to match to a bankruptcy, a list of every piece of information required to match a consumer to a bankruptcy, a copy of any and all your policies and procedures related to searching bankruptcies, the exact reports furnished as a result of the search and match services as it relates to searching for a bankruptcy with the plaintiff's identifiable information and the permissible purpose selected by Trans Union when they requested to do a search for a bankruptcy related to the plaintiff by utilizing your services."

Plaintiff ask LexisNexis again to confirm by 12 p.m. EST on 12-7-2023 whether or not they will comply with his request for production. On 12-7-2023, Will Farley from LexisNexis legal team emailed plaintiff back stating that, "LexisNexis Risk Solutions Inc. has produced the

documents in its possession responsive to your subpoena. LNRS has searched its records and has not identified records responsive to Requests 4, 5, 6, or 9 because LNRS did not supply your bankruptcy record to TransUnion. LNRS has fulfilled its obligations in responding to your subpoena.” Plaintiff responded back to Will Farley and stated, “I would need a statement signed under penalty of perjury attesting to what you have disclosed by a person with firsthand personal knowledge otherwise I would have to assume that this is an untrue statement and I will have to move forward with court assistance for compliance. I need a copy of this statement emailed to me by 4:00 p.m. EST today and mailed to me as well.” As of the date this Motion was signed, plaintiff has not received any statements by email related to the above request.

REQUEST TO COMPEL DISCOVERY FORM LEXISNEXIS RISK SOLUTIONS, INC.

LEXISNEXIS, A non-party to this case has failed to comply with a subpoena request for Documents (see...ECF No. 8-1) after plaintiff has made several attempts to get them to comply. Plaintiff hereby moves this court for an order compelling LexisNexis to produce documents as requested in plaintiff’s subpoena sections 4, 5, 6, and 9 as these documents are relevant to plaintiff’s claims and supporting his claims in this case. Plaintiff also request that should LexisNexis claim that they do not have any documents related to Plaintiff’s subpoena that this court direct LexisNexis to produce a statement signed under penalty of perjury by a natural person, an individual with firsthand knowledge of such facts stating that “they do not have any document in their control or custody related to any of plaintiff’s subpoena requests including the documents of information specified that plaintiff is looked to be produced by LexisNexis. In the discovery produced by Trans Union, Trans Union has admitted that they obtained bankruptcy information from LexisNexis through November 30, 2018 (see...Exhibit A-4). When reviewing LexisNexis website, LexisNexis clearly states that “LexisNexis was the provider of bankruptcy information to TransUnion prior to December 1, 2018” (see...Exhibit A-5) which further explains why a

statement under penalty of perjury is needed. Plaintiff now moves this court to compel LexisNexis to properly respond to plaintiff's subpoena and or provide a statement signed under penalty of perjury as requested by the plaintiff to support any facts alleged by LexisNexis related to the documents requested that are in their custody, control, or possession.


WHEREFORE, since LexisNexis refuses to comply with plaintiff's discovery requests, Plaintiff respectfully moves this court for and order to compel Lexis Nexis to comply with the subpoena so that plaintiff has the opportunity to complete discovery without any further delays. Should this court find that LexisNexis failure to comply was in bad faith and that LexisNexis is in possession of documents applicable to plaintiff's subpoena, that this court issue sanctions against LexisNexis.

Certification of Plaintiff:

I Nelson L. Bruce hereby certify that I have in good faith conferred or attempted to confer with LexisNexis for discovery as presented above in an effort to obtain it without court action. Date this 7th day of **December, 2023**.

RESPECTFULLY PRESENTED,

"Without Prejudice"



Nelson L. Bruce, Propria Persona, Sui Juris
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